

REMARKS

Claims 1-20 now remain pending in this application for which applicants seek reconsideration.

Amendment

Independent claims 1, 12, and 13 have been amended to define that the inclined state detector transmits and receives signal waves along a direction nearly perpendicular to a longitudinal direction of the vehicle. New claims 15-20 defining the inclined state detector have been added. See the paragraph spanning pages 12-13 for support. No new matter has been introduced.

Art Rejection

Claims 1-7 and 10-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Toda (USP 6,693,380) in view of Couillaud (USPGP 2002/0075691). Claims 8 and 9 were rejected under § 103(a) as unpatentable over Toda in view of Couillaud and Stam (USPGP 2003/0138132). Applicants traverse these rejections for the following reasons.

Independent claims 1, 12, and 13 each call for the inclined state detector to transmit and receive signal waves along a direction nearly perpendicular to a longitudinal direction of the vehicle. Toda is completely silent regarding how its height sensor 14 detects the height. Indeed, Toda merely discloses that the height sensor 14 is provided only at the right rear wheel side. Couillaud discloses detecting the vehicle orientation using an emitter 1 for emitting two light spots to the ground in front of the vehicle and a sensor 2 for detecting the light spots reflected off the ground in front of the vehicle. Moreover, in contrast to the examiner's assertion, Stam does not disclose an inclination sensor. Paragraph 202 relied upon by the examiner merely discloses a radar system for detecting the presence of objects in front of the vehicle and the speed and direction of such objects. Applicants submit that none of the applied references disclose or teach an inclined state detector that transmits and receives signal waves directed at a direction perpendicular to the longitudinal direction (i.e., laterally) of the vehicle. Accordingly, applicants submit that independent claims 1, 12, and 13, as well as all claims depending therefrom, patentably distinguish over the applied references.

Moreover, although the examiner rejected claim 14, the examiner failed to explain how Toda would have disclosed or taught the structure set forth in claim 14. Note that elements 35R, 35L (identified by the examiner as corresponding to the claimed vehicle frame cross member) do not appear anywhere in Toda. In fact, Toda does not disclose or illustrate any vehicle structure.

As to independent claims 5 and 6, applicants previously argued that Okuchi (secondary reference applied in the previous Office Action) would not have taught a standard deviation calculator and a setting device for finding an average value when the standard deviation is not more than a set standard deviation, and an average value computing unit that computes the average value of the result of detection when the standard deviation is not greater than the set standard deviation.

The examiner now contends that Toda would have disclosed these features, relying on the passages set forth in column 5, line 50+. The passages relied upon by the examiner, however, do not mention anything about standard deviation. Rather, these passages merely disclose finding an average pitch angle and comparing to a predetermined threshold to determine whether the vehicle posture is stable or not. Once the posture is deemed stable (meaning that the average pitch angle is below the predetermined threshold), Toda operates the drive motor 10 to level the headlamp based on whether the detected latest average pitch angle is larger than the previously set reference value. Toda simply fails to mention anything about comparing to a standard deviation in determining the average inclined state value. Accordingly, applicants submit that claims 5 and 6 clearly define over the applied references. Should the examiner maintain the rejection of claims 5 and 6 based on Toda, applicants request the examiner to clearly point out where and how Toda would have disclosed or taught the above-features.

Conclusion

Applicants submit that claims 1-20 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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REG. No. 34,079 (RULE 34, WHERE APPLICABLE)

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